

## REMARKS

This Response is submitted in reply to the Office Action mailed on November 16, 2006. Claims 1 to 56 are pending in this application. Claims 1, 13 to 15, 17, 28 to 30, 39 to 43, 45, and 54 to 56 have been amended. No new matter has been added by these amendments.

A Supplemental Information Disclosure Statement and a Petition for a one-month extension of time are submitted herewith. Please charge deposit account number 02-1818 to cover the cost of the Supplemental Information Disclosure Statement, the one-month extension of time, and for any other fees due in connection with this Response.

The Office Action rejected Claims 14, 28, 40, and 54 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants have amended Claims 14, 28, 40, and 54 to clarify that "numbers of indicators" refers to the numbers or values generated by the indicator generator.

The Office Action rejected Claims 1 to 56 under 35 U.S.C. § 103(a) as being unpatentable over GB 2353128A to Claypole ("Claypole") in view of U.S. 2003/0036418A1 to Seelig ("Seelig"). Applicants respectfully disagree with these rejections. Nevertheless, Applicants have amended certain of the claims to clarify the existing claim elements.

Claypole discloses a gaming machine which includes a reel display displaying three reels, each of the reels having a plurality of symbols. The reel display includes a three paylines. Some of the symbols on the reels are associated with one or more points which move a player along three separate trails. Each payline contributes points to a respective one of the trails. The gaming machine spins the reels and displays symbols along the paylines. If a winning combination of symbols is displayed on any of the paylines, the gaming machine awards the player a prize associated with the combination of symbols indicated on the payline. In addition, the gaming machine enables the player to contribute any points associated with the symbols displayed on a payline to its

respective trail. The Claypole gaming machine further includes a nudge feature. The gaming machine awards a random number of nudges to a player, or alternatively, the gaming machine can award nudges to the player when certain symbols appear in designated locations on the reels. The nudge feature enables the player to move symbols from one payline to another payline. A symbol nudged by the player contributes points not only to its original trail but also to another trail. For example, a player may choose to contribute points to advance up a first trail instead of a second trail where the player has a better position in order to get to a specific prize on the first trail. Thus, the player controls advancement along each of the trails by tactically choosing to nudge symbols into different contributing positions. The player may choose at any time to collect any prizes that have been accumulated along the trail rather than continuing to gamble. Claypole discloses that the aim of the invention is to increase player interest and involvement by increasing the perception that the player's choices impact the chance of winning in the game ( See Page 1, lines 11 to 15).

Seelig discloses a gaming device which includes a primary game and a bonus game. The player makes a wager to initiate a play of the primary game. If a bonus qualifying event occurs in the play of the primary game, the player can choose: (1) to play the bonus game for a prize of an unknown value, or (2) not to play the bonus game and receive a prize of an known value. In one embodiment, when the bonus qualifying event has occurred in the play of the primary game, the gaming device compares the player's wager to a pre-determined amount. In this embodiment, if the bonus qualifying event occurs and the wagered amount is equal to the pre-determined amount, the gaming device enables the player to choose to play the bonus game a first number of times. If the wagered amount is greater than the predetermined amount, the player can play the bonus game a second number of times (See Page 4, Paragraphs 66 to 67).

Amended independent Claim 1 is generally directed to a gaming device including, among other elements, a processor operable when all of the indicators have been accumulated in any of the award groups to: (i) provide to the player

the awards associated with the award groups in which all of the indicators have been accumulated, (ii) randomly determine whether to end the game, and (iii) if it is determined not to end the game, reset the indicators in the award groups associated with the awards provided to the player.

The Office Action admits, on page 6 of the Office Action, that Claypole does not include randomly determining whether to end the game. The Office Action concludes, however, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Claypole to include randomly determining when to end the game.

As a primary matter, the Office Action provides no explanation as to why it would have been obvious to modify Claypole in this manner, and therefore, the rejection is improper.

There is no disclosure in Claypole that it would be desirable to include randomly determining when to end the game. As discussed above and as acknowledged by the Office Action (See page 4, Office Action), the objective of Claypole is to provide players greater control over the chance of winning in the game. Claypole teaches several features whereby players obtain greater control over the game outcome. One such feature is the ability to stop playing or gambling at any time and collect the accumulated prizes. Another example of a feature that gives players greater control is the nudge capability, which allows players to advance up certain trails as desired. By using the nudge to contribute points from one trail to another trail, players can control the rate at which they advance up the trails.

Applicants respectfully submit that Claypole teaches away from including a random determination of when to end the game. If the game of Claypole were modified to include a random determination of when to end the game, as proposed by the Office Action, players would not be inclined to become more involved in the game and in making strategic decisions regarding trail advancement. Accordingly, modifying Claypole in this manner would defeat its intended purpose.

The combination of Seelig and Claypole also does not achieve the gaming device of amended independent Claim 1. As discussed above and as indicated on Page 6 of the Office Action, Seelig teaches a game that determines when to offer a player a choice between a prize or a bonus game based on the wager and a predetermined value. The Office Action states that Seelig determines when to award a prize or the end of the game through a method of predetermination based on a wager (Office Action, Pages 6 to 7). Thus, the gaming device resulting from the combination of Claypole and Seelig would not include randomly determining when to end the game.

For at least the foregoing reasons, Applicants respectfully submit that amended independent Claim 1 and the claims depending therefrom are patentably distinguished over Claypole and the combination of Claypole and Seelig.

Amended independent Claims 17, 30, and 43 each include certain similar elements to amended independent Claim 1. For reasons similar to those given above with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claims 17, 30, and 43 and the claims depending therefrom are patentably distinguished over the combination of Claypole and Seelig and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such act is courteously solicited. If the Examiner has any questions regarding this response, Applicants respectfully request that the Examiner contact the undersigned attorney.

Respectfully submitted,

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Dated: March 16, 2007